

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

No. 4:08-CR-15-F-1

UNITED STATES OF AMERICA

v.

RAYMOND EMMET BROWN

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**ORDER**

This matter is before the court on Defendant Raymond Emmet Brown's Motion to Correct a Clerical Mistake or Error [DE-161], pursuant to Federal Rule of Criminal Procedure 36. In his motion, Brown argues that there are various errors in his Presentence Investigation Report ("PSR") that should be corrected.

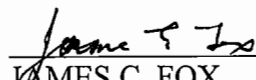
Because the corrections requested by Brown would lead to a reduction in his sentence, the relief he requests is identical to that which he could obtain through a successful motion filed pursuant to 28 U.S.C. § 2255. Therefore, the court will treat will treat his motion as filed pursuant to § 2255. *See United States v. Winestock*, 340 F.3d 200, 207 (4th Cir. 2003) (holding that "a motion directly attacking the prisoner's conviction or sentence will usually amount to a successive application"). Brown previously filed a § 2255 motion that was addressed on the merits. *See* Order of August 21, 2013 [DE-139]. Pursuant to 28 U.S.C. § 2244(b)(3)(A), "[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." Brown has not provided any evidence that he has secured authorization from the Fourth Circuit Court of Appeals to file a successive § 2255 motion. Therefore, this court does not have jurisdiction to consider the merits of the present motion.

Even if the court did have jurisdiction over the present motion, the court found the information contained in the PSR to be credible and reliable. As a result, the court adopted the PSR.

In light of the foregoing, Brown's Motion to Correct a Clerical Mistake or Error [DE-161] is DISMISSED. The court finds that Brown has not made the requisite showing to support a certificate of appealability. Therefore, a certificate of appealability is DENIED.

SO ORDERED.

This, the 18 day of June, 2015.

  
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JAMES C. FOX  
Senior United States District Judge